

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-00452-CKK**

ROSENBERG v. UNITED STATES DEPARTMENT OF
IMMIGRATION AND CUSTOMS ENFORCEMENT et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 03/23/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

LAWRENCE ROSENBERG

represented by **John Matthew Gore**
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-3930
Email: jmgore@jonesday.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lawrence D. Rosenberg
JONES DAY
Washington, DC
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-7622
Email: ldrosenberg@jonesday.com
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
IMMIGRATION AND CUSTOMS
ENFORCEMENT**

represented by **Theresa Ekeoma Dike**
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 353-0022
Fax: (202) 514-8780
Email: theresa.dike@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Venetia D. Bell
US ATTORNEY'S OFFICE
CIVIL DIVISION
555 4th Street, N.W.
Washington, DC 20530
(202) 353-0022
Fax: (202) 514-8780
Email: venetia.bell@usdoj.gov
TERMINATED: 10/03/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES MARSHALS
SERVICE**

represented by **Theresa Ekeoma Dike**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Venetia D. Bell
 (See above for address)
TERMINATED: 10/03/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY

represented by **Theresa Ekeoma Dike**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Venetia D. Bell
 (See above for address)
TERMINATED: 10/03/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

FEDERAL BUREAU OF INVESTIGATION

represented by **Theresa Ekeoma Dike**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Venetia D. Bell
 (See above for address)
TERMINATED: 10/03/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/23/2012	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0090-2873252) filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Civil Cover Sheet)(Rosenberg, Lawrence) (Entered: 03/23/2012)
03/23/2012	<u>2</u>	NOTICE OF FILING SUMMONS by LAWRENCE ROSENBERG re <u>1</u> Complaint (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Rosenberg, Lawrence) (Entered: 03/23/2012)
03/23/2012		Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 03/27/2012)
03/26/2012	<u>3</u>	NOTICE OF FILING AMENDED SUMMONS by LAWRENCE ROSENBERG (Attachments: # <u>1</u> Summons)(Rosenberg, Lawrence) (Entered: 03/26/2012)
03/27/2012	<u>4</u>	Electronic Summons (7) Issued as to EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE, US ATTORNEY AND US ATTORNEY GENERAL. (sth) (Entered: 03/27/2012)
03/28/2012	<u>5</u>	ORDER Establishing Procedures for Filing for Cases Assigned to Judge Colleen Kollar-Kotelly, signed on March 28, 2012. (SM) (Entered: 03/28/2012)
05/16/2012	<u>6</u>	RULE 4(m) ORDER. In order to avoid the finality of a mandatory dismissal of this action against any unserved Defendants, by no later than July 23, 2012, Plaintiffs must either cause process to be served upon Defendants and proof of service to be filed with the Court or establish good cause for the failure to do so. Signed by Judge Colleen Kollar-Kotelly on May 16, 2012. (lcckk3) (Entered: 05/16/2012)
05/16/2012	<u>7</u>	NOTICE OF FILING AMENDED SUMMONS by LAWRENCE ROSENBERG (Attachments: # <u>1</u> Summons Amended Summons for Service to FBI)(Rosenberg, Lawrence) (Entered: 05/16/2012)

05/21/2012	<u>8</u>	ELECTRONIC SUMMONS (1) REISSUED as to FEDERAL BUREAU OF INVESTIGATION (jeb,) (Entered: 05/21/2012)
06/12/2012	<u>9</u>	NOTICE of Appearance by Venetia D. Bell on behalf of EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Bell, Venetia) (Entered: 06/12/2012)
06/12/2012	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/24/2012. Answer due for ALL FEDERAL DEFENDANTS by 6/23/2012. (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/12/2012	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/24/2012. (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/12/2012	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES MARSHALS SERVICE served on 5/18/2012 (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/12/2012	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT served on 5/25/2012 (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/12/2012	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 5/29/2012 (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/12/2012	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS served on 5/24/2012 (Attachments: # <u>1</u> Certificate of Service)(Rosenberg, Lawrence) (Entered: 06/12/2012)
06/14/2012	<u>16</u>	First MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Bell, Venetia) (Entered: 06/14/2012)
06/19/2012		MINUTE ORDER (paperless). Defendants in this case filed a <u>16</u> First Motion for Extension of Time to Respond to Plaintiff's Complaint on June 14, 2012. Defendants represent that, at the time of their filing, Plaintiff's counsel had not responded to attempts to ascertain his position on the requested extension. To date, Plaintiff has not filed an opposition. By no later than JUNE 20, 2012, at 12:00 p.m., Plaintiff shall file an opposition or the Court shall deem the motion to be unopposed. Signed by Judge Colleen Kollar-Kotelly on June 19, 2012. (lcckk3) (Entered: 06/19/2012)
06/20/2012		MINUTE ORDER (paperless). Defendants' unopposed <u>16</u> First Motion for Extension of Time to Respond is GRANTED. Defendants shall have to and including AUGUST 20, 2012, to answer or otherwise respond to the Complaint. Signed by Judge Colleen Kollar-Kotelly on June 20, 2012. (lcckk3) (Entered: 06/20/2012)
06/27/2012		Set/Reset Deadlines: Response to complaint due by 8/20/2012. (alp) (Entered: 06/27/2012)
08/14/2012	<u>17</u>	Second MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Bell, Venetia)

		(Entered: 08/14/2012)
08/14/2012	<u>18</u>	NOTICE OF INTENTION TO OPPOSE SECOND EXTENSION OF TIME TO RESPOND by LAWRENCE ROSENBERG (Rosenberg, Lawrence) (Entered: 08/14/2012)
08/17/2012		MINUTE ORDER (paperless). On August 14, 2012, Defendants filed a <u>17</u> Second Motion for Extension of Time to Respond to Plaintiff's Complaint ("Motion for Extension"). Later that same day, Plaintiff filed a <u>18</u> Notice of Intention to Oppose Request for Extension of Time, indicating that he "intends to file a full opposition to the government's motion by close of business, Tuesday August 21," and "does not oppose a short extension of time to allow full briefing on, and the Court's consideration of the government's pending motion." Accordingly, in order to allow the parties to brief and the Court to consider Defendants' Motion for Extension, Defendants' time to respond to the Complaint is EXTENDED from August 20, 2012 to and including AUGUST 31, 2012. Plaintiff shall file his opposition to Defendants' Motion to Extend by no later than AUGUST 21, 2012, at 5:00 p.m.; Defendants shall file their reply, if any, by no later than AUGUST 24, 2012, at 9:00 a.m. Signed by Judge Colleen Kollar-Kotelly on August 17, 2012. (lcckk3) (Entered: 08/17/2012)
08/17/2012		Set/Reset Deadlines: Answer due by 8/31/2012. Response due by 8/21/2012, at 5:00 p.m. Reply due by 8/24/2012, at 9:00 a.m. (dot) (Entered: 08/17/2012)
08/21/2012	<u>19</u>	Memorandum in opposition to re <u>17</u> Second MOTION for Extension of Time to Respond to Plaintiff's Complaint filed by LAWRENCE ROSENBERG. (Rosenberg, Lawrence) (Entered: 08/21/2012)
08/27/2012	<u>20</u>	ORDER. For the reasons set forth herein, Defendants' <u>17</u> Motion for Extension is GRANTED IN PART and DENIED IN PART. Defendants shall produce all non-exempt, responsive records and respond to the Complaint by no later than September 10, 2012. Signed by Judge Colleen Kollar-Kotelly on August 27, 2012. (lcckk3).....(VACATED IN PART PURSUANT TO ORDER FILED 9/6/2012).....Modified on 9/10/2012 (znmw,). (Entered: 08/27/2012)
08/27/2012		Set/Reset Deadlines: Answer due by 9/10/2012. (dot) (Entered: 08/29/2012)
08/30/2012	<u>21</u>	MOTION for Reconsideration re <u>20</u> Order on Motion for Extension of Time to, Respond to Plaintiff's Complaint by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Declaration Sean J. Vanek, # <u>5</u> Text of Proposed Order)(Bell, Venetia) (Entered: 08/30/2012)
08/31/2012		MINUTE ORDER (paperless). On August 30, 2012, Defendants filed a <u>21</u> Motion for Reconsideration of this Court's <u>20</u> Order dated August 27, 2012 insofar as it requires Defendants to produce all non-exempt, responsive records by September 10, 2012. In order to permit prompt resolution of Defendants' motion, the parties shall adhere to the following schedule: Plaintiff shall file an opposition to Defendants' motion by no later than Tuesday, September 4, 2012, at 9:00 a.m.; Defendants shall file their reply, if any, by no later than Tuesday, September 4, 2012, at 5:00 p.m. Defendants are cautioned that they should not assume that their motion will be granted. Unless and until the motion is granted, Defendants should be prepared to comply with the Court's order by producing all non-exempt, responsive records by September 10, 2012. Signed by Judge Colleen Kollar-Kotelly on August 31, 2012. (lcckk3) (Entered: 08/31/2012)
09/04/2012	<u>22</u>	Memorandum in opposition to re <u>21</u> MOTION for Reconsideration re <u>20</u> Order on Motion for Extension of Time to, Respond to Plaintiff's Complaint filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Rosenberg, Lawrence) (Entered: 09/04/2012)
09/04/2012	<u>23</u>	REPLY to opposition to motion re <u>21</u> MOTION for Reconsideration re <u>20</u> Order on Motion for Extension of Time to, Respond to Plaintiff's Complaint filed by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF

		IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE. (Bell, Venetia) (Entered: 09/04/2012)
09/06/2012	<u>24</u>	ORDER. For the reasons set forth herein, Defendants' <u>21</u> Motion for Reconsideration is GRANTED. The Court's <u>20</u> Order dated August 27, 2012 is VACATED insofar as it required Defendants to "produce all non-exempt, responsive records... by no later than September 10, 2012." However, Defendants shall still be required to answer or otherwise respond to the Complaint by no later than September 10, 2012. The parties shall meet and confer and, by no later than September 13, 2012, file a Joint Status Report proposing a schedule for further proceedings, including a reasonable briefing schedule for any dispositive motions. Signed by Judge Colleen Kollar-Kotelly on September 6, 2012. (lcckk3) (Entered: 09/06/2012)
09/06/2012		Set/Reset Deadlines: Answer due by 9/10/2012. Meet & Confer Statement due by 9/13/2012. (dot) (Entered: 09/07/2012)
09/10/2012	<u>25</u>	ANSWER to Complaint by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE.(Bell, Venetia) (Entered: 09/10/2012)
09/10/2012	<u>26</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Bell, Venetia) (Entered: 09/10/2012)
09/10/2012	<u>27</u>	MOTION to Dismiss , MOTION for Summary Judgment by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Declaration of Sean J. Vanek, # <u>2</u> Declaration of Kathleen Brandon, # <u>3</u> Declaration of William E. Bordley, # <u>4</u> Exhibit EOUSA's November 25, 2011 Letter, # <u>5</u> Text of Proposed Order)(Bell, Venetia) (Entered: 09/10/2012)
09/13/2012	<u>28</u>	STATUS REPORT (<i>Joint</i>) and <i>Plaintiff's Request for Status Conference</i> by LAWRENCE ROSENBERG. (Rosenberg, Lawrence) (Entered: 09/13/2012)
09/13/2012	29	MOTION for Status Conference by LAWRENCE ROSENBERG. (See Docket Entry <u>28</u> to view document) (dr) (Entered: 09/14/2012)
09/17/2012	<u>30</u>	SCHEDULING AND PROCEDURES ORDER. Upon careful consideration of the parties' <u>28</u> Joint Status Report and Plaintiff's Request for Status Conference, dated September 13, 2012, Plaintiff's 29 Motion for a Status Conference is DENIED. The parties shall adhere to the following schedule. With Respect to the FBI: The Court is not satisfied by the FBI's mere assertion that it has withheld approximately 650 pages of documents, and has redacted portions of the remaining approximately 350 pages, that it is appropriate to afford the FBI an additional four months, in addition to the time the agency has already had, to prepare a Vaughn index. Therefore, by no later than September 24, 2012, the FBI shall file a Status Report, accompanied by a declaration from an appropriate agency authority, justifying their requested deadline. However, the FBI is strongly encouraged to reconsider its ability to prepare a Vaughn index on a more expedited basis. Following the filing of the FBI's Status Report, the parties shall meet and confer and, by no later than September 28, 2012, file a Joint Status Report proposing a schedule for briefing dispositive motions resolving Plaintiff's claims against the FBI. With Respect to the EOUSA and the USMS: Plaintiff shall file his opposition to the EOUSA's and the USMS's <u>27</u> Motion to Dismiss or, Alternatively, Motion for Summary Judgment by no later than October 10, 2012; and the EOUSA and the USMS shall file their reply, if any, by no later than October 24, 2012. With Respect to the ICE: The ICE shall file its anticipated dispositive motion by no later than September 24, 2012; Plaintiff shall file his opposition by no later than October 17, 2012; and the ICE shall file its reply, if any, by no later than October 30, 2012. Further, in order to administer this civil action in a manner fair to the litigants and consistent with the parties' interest in completing this litigation in the shortest possible time and at the least possible cost, the parties are directed to comply with each of the directives set forth in this Order. [See full text of Order] Signed by Judge Colleen Kollar-Kotelly on September 17, 2012. (lcckk3) (Entered: 09/17/2012)

09/17/2012		Set/Reset Deadlines: ICE, Dispositive Motions due by 9/24/2012. Response to Dispositive Motions due by 10/17/2012. Reply to Dispositive Motions due by 10/30/2012. Joint Status Report due by 9/28/2012. Response to Motion for Summary Judgment due by 10/10/2012. Reply to Motion for Summary Judgment due by 10/24/2012. (dot) (Entered: 09/18/2012)
09/24/2012	<u>31</u>	MOTION to Dismiss , MOTION for Summary Judgment <i>Department of Immigration and Customs Enforcement's Motion to Dismiss or, Alternatively Motion for Summary Judgment</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Declaration Ryan Law, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Text of Proposed Order)(Bell, Venetia) (Entered: 09/24/2012)
09/24/2012	<u>32</u>	STATUS REPORT of <i>Federal Bureau of Investigation</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE. (Attachments: # <u>1</u> Declaration David M. Hardy, # <u>2</u> Exhibit A–D)(Bell, Venetia) (Entered: 09/24/2012)
09/28/2012	<u>33</u>	STATUS REPORT (<i>Joint Status Report</i>) by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE. (Bell, Venetia) (Entered: 09/28/2012)
10/03/2012	<u>34</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Theresa Ekeoma Dike on behalf of EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE Substituting for attorney Venetia D. Bell (Dike, Theresa) (Entered: 10/03/2012)
10/10/2012	<u>35</u>	RESPONSE re <u>27</u> MOTION to Dismiss MOTION for Summary Judgment <i>and Cross–Motion for Summary Judgment</i> filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Cross–Motion for Summary Judgment, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts, # <u>4</u> Memorandum in Support, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> exhibit, # <u>8</u> exhibit, # <u>9</u> exhibit, # <u>10</u> exhibit, # <u>11</u> exhibit, # <u>12</u> exhibit, # <u>13</u> exhibit, # <u>14</u> exhibit)(Rosenberg, Lawrence) (Entered: 10/11/2012)
10/11/2012		MINUTE ORDER (paperless). On September 24, 2012, Defendant FBI filed a Status Report in support of its request for an additional 120 days, in addition to the time the agency has already had, to prepare a Vaughn index. It remains unclear to this Court why the FBI requires 120 additional days to code the 1,017 pages located in response to Plaintiff's FOIA request; however, it is equally unclear what an appropriate time frame might be. Accordingly, the FBI shall file another Status Report describing the coding progress it has made on or by NOVEMBER 5, 2012, at which point the Court will set a firm deadline for completion of the Vaughn index, as well as a schedule for briefing of dispositive motions resolving Plaintiff's claims against the FBI. Signed by Judge Colleen Kollar–Kotelly on October 11, 2012. (lcckk1) (Entered: 10/11/2012)
10/11/2012		MINUTE ORDER (paperless). The Court is in receipt of Plaintiff's <u>35</u> Opposition to Defendants EOUSA's and USMS's Motion to Dismiss or Alternatively, Motion for Summary Judgment and Plaintiff's [35–1] Cross–Motion for Summary Judgment against USMS and EOUSA on the issue of Plaintiff's exhaustion of administrative remedies and against EOUSA regarding EOUSA's fees request. Defendants EOUSA and USMS are reminded that pursuant to the Court's <u>30</u> September 17, 2012 Scheduling and Procedures Order, the EOUSA and USMS shall file their Reply by no later than OCTOBER 24, 2012. Further, the EOUSA and USMS shall likewise file their Opposition to Plaintiff's [35–1] Cross–Motion for Summary Judgment, if any, by no later than OCTOBER 24, 2012. Signed by Judge Colleen Kollar–Kotelly on October 11, 2012. (lcckk1) (Entered: 10/11/2012)

10/11/2012		Set/Reset Deadlines: EOUSA abd USMC reply due by 10/24/12; EOUSA and USMS opposition to Cross Motion for summary judgment due by 10/24/2012. clv,) (Entered: 10/11/2012)
10/11/2012		Set/Reset Deadlines: FBI Status Report describing the coding progress is due by 11/5/2012. (clv,) (Entered: 10/11/2012)
10/11/2012	36	Cross MOTION for Summary Judgment by LAWRENCE ROSENBERG. (See Docket Entry <u>35</u> to view document). (znmw,) (Entered: 10/12/2012)
10/17/2012	<u>37</u>	RESPONSE re <u>31</u> MOTION to Dismiss MOTION for Summary Judgment <i>Department of Immigration and Customs Enforcement's Motion to Dismiss or, Alternatively Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment</i> filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Points and Authorities, # <u>2</u> Statement of Facts Plaintiff's Response to ICE's Statement of Facts, # <u>3</u> Statement of Facts Plaintiff's Statement of Facts, # <u>4</u> Exhibit Plaintiff's FOIA, # <u>5</u> Exhibit Zenor's FOIA, # <u>6</u> Affidavit Rosenberg Declaration)(Rosenberg, Lawrence) (Entered: 10/17/2012)
10/17/2012	38	Cross MOTION for Summary Judgment as to ICE by LAWRENCE ROSENBERG. (See Docket Entry <u>37</u> to view document. Counsel is reminded to file the motion as a separate docket entry in future). (znmw,) (Entered: 10/18/2012)
10/24/2012	<u>39</u>	REPLY to opposition to motion re <u>27</u> MOTION for Summary Judgment filed by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, UNITED STATES MARSHALS SERVICE. (Dike, Theresa) Modified link on 10/25/2012 (znmw,). (Entered: 10/24/2012)
10/24/2012	<u>40</u>	Memorandum in Opposition re 36 MOTION for Summary Judgment filed by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, UNITED STATES MARSHALS SERVICE. (Dike, Theresa) Modified event title on 10/25/2012 (znmw,). (Entered: 10/24/2012)
10/25/2012		MINUTE ORDER (paperless). On October 24, 2012, Defendants EOUSA and USMA filed their <u>40</u> Response to Plaintiff's 36 Cross-Motion for Summary Judgment. Accordingly, Plaintiff shall file its Reply to Defendants EOUSA's and USMA's <u>40</u> Opposition to Plaintiff's Cross-Motion for Summary Judgment, if any, by NOVEMBER 7, 2012. Further, the Court is also in receipt of Plaintiff's <u>37</u> Opposition to Defendant ICE's Motion to Dismiss and for Summary Judgment and Plaintiff's 38 Cross-Motion for Summary Judgment as to ICE. Defendant ICE is reminded that pursuant to the Court's <u>30</u> September 17, 2012 Scheduling and Procedures Order, ICE shall file its Reply to Plaintiff's <u>37</u> Opposition to ICE's Motion to Dismiss and for Summary Judgment by no later than OCTOBER 30, 2012. Further, ICE shall file its Opposition to Plaintiff's 38 Cross-Motion for Summary Judgment, if any, by no later than NOVEMBER 7, 2012. Plaintiff shall file its Reply to ICE's Opposition to Plaintiff's 38 Cross-Motion for Summary Judgment, if any, by no later than NOVEMBER 21, 2012. Signed by Judge Colleen Kollar-Kotelly on October 25, 2012. (lcckk1) (Entered: 10/25/2012)
10/31/2012	<u>41</u>	RESPONSE re 38 MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration Law Supplemental Declaration, # <u>2</u> Exhibit Exhibit 1 FOIA Request acknowledgment, # <u>3</u> Exhibit Exhibit 1 emails ICE and Venetia Bell)(Dike, Theresa) (Entered: 10/31/2012)
10/31/2012	<u>42</u>	REPLY to opposition to motion re 38 MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration Ryan Law Supplemental Declaration, # <u>2</u> Exhibit Exhibit 1 FOIA Request acknowledgment letter, # <u>3</u> Exhibit Exhibit 2 Emails between ICE and Venetia Bell)(Dike, Theresa) (Entered: 10/31/2012)
11/05/2012	<u>43</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Dike, Theresa) (Entered: 11/05/2012)

11/06/2012		MINUTE ORDER (paperless). Upon consideration of the FBI's <u>43</u> Status Report, the Court hereby grants the FBI until JANUARY 11, 2013 to prepare a Vaughn index (a total of 120 days as of the FBI's initial request for 120 additional days to complete coding and prepare the Vaughn declaration, See ECF No. <u>28</u> (September 13, 2012 Joint Status Report)). Counsel is advised that this deadline is firm, and no further extensions shall be granted. Further, the Court hereby adopts the briefing schedule proposed by the parties in their <u>33</u> Joint Status Report: The FBI shall file its dispositive motion by no later than JANUARY 28, 2013. Plaintiff shall file its opposition, if any, by no later than FEBRUARY 22, 2013. The FBI shall file its reply, if any, by no later than MARCH 11, 2013. Signed by Judge Colleen Kollar-Kotelly on November 6, 2012. (lcckk1) Modified on 11/8/2012 (tb,). (Entered: 11/06/2012)
11/07/2012	<u>44</u>	REPLY to opposition to motion re 36 MOTION for Summary Judgment filed by LAWRENCE ROSENBERG. (Rosenberg, Lawrence) (Entered: 11/07/2012)
11/08/2012		Set/Reset Deadlines: Dispositive Motions due by 1/28/2013. Response to Dispositive Motions due by 2/22/2013. Reply to Dispositive Motions due by 3/11/2013. Vaughn Index due by 1/11/2013. (tb,) (Entered: 11/08/2012)
11/21/2012	<u>45</u>	REPLY to opposition to motion re 38 MOTION for Summary Judgment <i>against ICE</i> filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Exhibit Excerpt from Supreme Court Order 10-1-12, # <u>2</u> Affidavit Supplemental Declaration of Lawrence D. Rosenberg)(Rosenberg, Lawrence) (Entered: 11/21/2012)
01/10/2013	<u>46</u>	NOTICE of Filing (<i>Vaughn Declaration and Exhibits</i>) by FEDERAL BUREAU OF INVESTIGATION re Order,,, (Attachments: # <u>1</u> Affidavit Declaration of David Hardy with Exhibits)(Dike, Theresa) (Entered: 01/10/2013)
02/04/2013		MINUTE ORDER (paperless). On November 6, 2012, the Court issued a Minute Order adopting the briefing schedule proposed by the parties in their <u>33</u> Joint Status Report. Specifically, the Court ordered the FBI to file its dispositive motion by no later than JANUARY 28, 2013; Plaintiff to file his opposition by no later than February 22, 2013; and the FBI to file its reply by no later than March 11, 2013. As of today, February 4, 2013, the public docket reflects that the FBI has yet to file its dispositive motion. Accordingly, by no later than FEBRUARY 5, 2013 by 4 P.M., the FBI shall file its dispositive motion or file a status report indicating to the Court why it has not. Signed by Judge Colleen Kollar-Kotelly on February 4, 2013. (lcckk1) (Entered: 02/04/2013)
02/05/2013		Set/Reset Deadlines: FBI shall file its dispositive motion or file a status report due by 2/5/2013 (tcb) (Entered: 02/05/2013)
02/05/2013	<u>47</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration David M Hardy Declaration)(Dike, Theresa) (Entered: 02/05/2013)
02/06/2013	<u>48</u>	ERRATA by FEDERAL BUREAU OF INVESTIGATION <u>47</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Errata Corrected FBI Motion for Summary Judgment)(Dike, Theresa) (Entered: 02/06/2013)
02/14/2013	<u>49</u>	Consent MOTION for Extension of Time to <i>File Response To FBI's Motion For Summary Judgment</i> by LAWRENCE ROSENBERG (Attachments: # <u>1</u> Text of Proposed Order)(Rosenberg, Lawrence) (Entered: 02/14/2013)
02/15/2013		MINUTE ORDER (paperless). Plaintiff's <u>49</u> Consent Motion for Extension of Time to File Response to FBI's Motion for Summary Judgment is GRANTED. Accordingly, Plaintiff shall have until and including MARCH 1, 2013 to file a response to the FBI's <u>47</u> Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on February 15, 2013. (lcckk1) (Entered: 02/15/2013)
03/01/2013	<u>50</u>	RESPONSE re <u>47</u> MOTION for Summary Judgment filed by LAWRENCE ROSENBERG. (Attachments: # <u>1</u> Plaintiff's Response to Defendant FBI's Statement of Material Facts)(Rosenberg, Lawrence) (Entered: 03/01/2013)
03/01/2013	<u>51</u>	Cross MOTION for Summary Judgment <i>Against Defendant FBI</i> by LAWRENCE ROSENBERG (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum In

		Opposition To Defendant FBI's Motion For Summary Judgment And In Support Of Plaintiff's Cross-Motion, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Rosenberg, Lawrence) (Entered: 03/01/2013)
03/05/2013	<u>52</u>	MOTION for Extension of Time to File Response/Reply as to <u>51</u> Cross MOTION for Summary Judgment <i>Against Defendant FBI</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Dike, Theresa) (Entered: 03/05/2013)
03/07/2013	<u>53</u>	NOTICE of Plaintiff's Consent to Enlargement of Time by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE re <u>52</u> MOTION for Extension of Time to File Response/Reply as to <u>51</u> Cross MOTION for Summary Judgment <i>Against Defendant FBI</i> (Dike, Theresa) (Entered: 03/07/2013)
03/07/2013		MINUTE ORDER granting <u>52</u> Defendants' Motion for Extension of Time to File Joint Reply and Opposition. Accordingly, Defendants shall have until and including March 18, 2013, to file a joint reply in response to Plaintiff's Opposition to Defendants' Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment. Set/Reset Deadlines: Joint Reply to Dispositive Motion and Response to Cross Motion due by 3/18/2013. Signed by Judge Colleen Kollar-Kotelly on March 7, 2013. (SM) (Entered: 03/07/2013)
03/13/2013	<u>54</u>	NOTICE of Appearance by John Matthew Gore on behalf of LAWRENCE ROSENBERG (Gore, John) (Main Document 54 replaced on 3/14/2013) (znmw,). (Entered: 03/13/2013)
03/18/2013	<u>55</u>	REPLY to opposition to motion re <u>47</u> MOTION for Summary Judgment <i>Against Defendant FBI</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration Hardy Second Declaration)(Dike, Theresa) Modified link on 3/19/2013 (znmw,). (Entered: 03/18/2013)
03/18/2013	<u>56</u>	Memorandum in opposition re <u>51</u> Cross MOTION for Summary Judgment <i>Against Defendant FBI</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration David Hardy Second Declaration)(Dike, Theresa) Modified event title on 3/19/2013 (znmw,). (Entered: 03/18/2013)
03/28/2013	<u>57</u>	REPLY to opposition to motion re <u>51</u> Cross MOTION for Summary Judgment <i>Against Defendant FBI</i> filed by LAWRENCE ROSENBERG. (Rosenberg, Lawrence) (Entered: 03/28/2013)
04/18/2013	<u>58</u>	MOTION For Status Conference And/Or Oral Argument On Pending Motions And Cross-Motions For Summary Judgment by LAWRENCE ROSENBERG (Rosenberg, Lawrence) (Entered: 04/18/2013)
04/23/2013	<u>59</u>	REPLY re <u>58</u> MOTION For Status Conference And/Or Oral Argument On Pending Motions And Cross-Motions For Summary Judgment filed by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES MARSHALS SERVICE. (Dike, Theresa) (Entered: 04/23/2013)